



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1503-25-RR

RE: IN THE MATTER OF THE PETITION FILED BY THE  
DEPARTMENT OF TRANSPORTATION OFFICE OF RAIL AND  
DIVISION OF TRAFFIC ENGINEERING TO UPGRADE AN AT-  
GRADE RAILROAD CROSSING ON RIVER BEND DRIVE SOUTH IN  
STAMFORD, CONNECTICUT.

Final Decision

April 15, 2015

## I. INTRODUCTION

### A. Petition

By petition dated March 16, 2015 and filed by the Connecticut Department of Transportation (hereinafter "department") Office of Rail and Division of Traffic Engineering (hereinafter "petitioners") pursuant to Connecticut General Statutes §13b-292(d), petitioners seek a crossing upgrade on River Bend Drive South (Crossing #500536L, located at milepost 3.02 of the New Canaan Branch of the Metro-North Commuter Railroad Company) in Stamford, Connecticut.

### B. Hearing

Pursuant to Section 13b-292 of the Connecticut General Statutes, as amended, a public hearing on this petition was held on April 7, 2015 at the administrative offices of the department.

Notice of the petition and of the hearing to be held thereon was given to the petitioners and to such other parties as required by General Statutes §13b-292, as amended. Legal notice was given by publication on the department's website at [www.ct.gov](http://www.ct.gov).

The Commissioner of Transportation designated a hearing officer to conduct the hearing on this matter, pursuant to Connecticut General Statutes §13b-17.

### C. Appearances

The petitioners appeared through Stephen P. Curley, Transportation Engineer III with the Connecticut Department of Transportation Division of Traffic Engineering, 2800 Berlin Turnpike, Newington, Connecticut.

## II. FINDINGS OF FACT

1. The petitioners seek to modernize the existing railroad flashing lights and install vehicular gates at the River Bend Drive South private railroad/highway at-grade crossing (Crossing #500536L, located at milepost 3.02 of the New Canaan Branch of the Metro-North Commuter Railroad Company, also known as Metro-North) in the City of Stamford.
2. River Bend Drive South is an east-west, two-lane undivided private road that serves as one of three access roadways to a 40-acre high tech business park, featuring twelve (12) separate buildings, known as the River Bend Center.

3. The private crossing is on the New Canaan Branch of the Metro-North Commuter Railroad Company (hereinafter "Metro-North").
4. The owners of the River Bend Center have an existing deeded right to use the crossing.
5. Metro-North currently operates approximately 41 train movements, per day, over the crossing at a maximum operating speed of 40 miles per hour.
6. The existing warning devices at the crossing are railroad flashing lights, a railroad/pedestrian bell, signing and pavement markings.
7. Since 1975 there have been ten (10) collisions at the subject crossing. Since 2005 there have been four (4) separate collisions at the subject railroad crossing in which a train was struck by a vehicle because motorists failed to obey the current active devices.
8. The City of Stamford sent to the department a letter dated September 10, 2014 requesting the department install vehicular gates at the railroad crossing. The letter memorialized an agreement by and between the department, the owners of the River Bend Center, and the City of Stamford.
9. As a result of discussions between the parties, the department issued a Project Authorization Letter (State Project No. 0303-0009) on January 9, 2015 to the City of Stamford detailing the agreed upon project work and conditions. The Project Authorization Letter was accepted on March 17, 2015 by the Designated Municipal Official, David R. Martin, Mayor of the City of Stamford.
10. The proposed improvements will enhance safety for everyone using the crossing.
11. Gilbert Smart, Supervising Rail Officer with the Rail Regulatory and Compliance Unit, is in support of the proposed upgrade.
12. Veera Karunkonda, Signal System Engineer with the City of Stamford, is in support of the proposed improvements on behalf of the City of Stamford.

### III. ORDER

Based on the foregoing Findings of Fact, the following is hereby ORDERED:

1. The private Railroad/highway at-grade crossing at River Bend Drive South, also known as Crossing #500536L, located at milepost 3.02 of the New Canaan Branch of the Metro-North Commuter Railroad Company, also known as Metro-North, shall be upgraded in a manner that is shown on the referenced plans labeled:
  - "STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION OFFICE OF ENGINEERING RAILROAD-HIGHWAY GRADE CROSSING IMPROVEMENTS RIVERBEND SOUTH DRIVE, STAMFORD, ROADWAY PLAN", Project No. 0303-0009, Drawing No. HWY 1, Sheet No. 1, Mark Makuch, Originally Signed 2/2/15, 1. 3/19/15 Revised Construction Notes, 2. 3/27/15 Revised Utility Information, Revised Area of Roadway Reconstruction (Petitioners' Exhibit No. 7); and
  - "State of Connecticut Department of Transportation Office of Engineering" RAILROAD-HIGHWAY GRADE CROSSING IMPROVEMENTS RIVERBEND SOUTH DRIVE, STAMFORD SIGNING, PAVEMENT MARKING AND RAILROAD DEVICE PLAN" Project No. 0303-0009, Drawing No. RRD-1, Sheet No. 1, Mark F. Makuch, P.E. Originally Signed 2015.01.15 11:14:39-05'-00', 1. 3/19/15 Revised 14/5 Railroad Interconnect Cable Run, 2. 3/26/15 Revised Locations of Railroad Flashing Lights and Gates, Revised Utility Information (Petitioners' Exhibit 8).
2. The Connecticut Department of Transportation Office of Rail and Division of Traffic Engineering shall be responsible for the implementation of the improvements. The improvements shall be as follows:
  - a. The modernization of the existing railroad flashing lights, railroad/pedestrian bell, the installation of vehicular gates and the replacement of the railroad crossing surface. This work to be funded under State Project No.0303-0009 and will be performed by Metro-North by way of the Capital Project Action Form from the Department of Transportation. The proposed work shall be governed by the Standards and specifications of the Association of American Railroads, the American Railway Engineering Association, the "Manual on Uniform Traffic Control Devices" and the regulations of the Connecticut Office of State Traffic Administration.

- b. The installation of all pavement markings and signing associated with the railroad/highway at-grade crossing. The pavement markings and signing will be installed by the River Bend Center, LLC and shall be installed in accordance with the "Manual on Uniform Traffic Control Devices," latest edition.
3. The Department of Transportation will be responsible for the reimbursement for any flagging protection services deemed necessary by Metro-North during the implementation of the railroad crossing improvements.
4. The River Bend Center, LLC shall enter into a maintenance agreement with Metro-North to pay for the annual costs to maintain the railroad/highway at-grade crossing.
5. The River Bend Center, LLC shall be responsible for the maintenance of the signs and pavement markings associated with the railroad/highway at-grade crossing.
6. The River Bend Center, LLC shall maintain, at all times, adequate levels of liability insurance as required by the Department of Transportation and Metro-North.
7. Upon the completion of the installation of the proposed railroad crossing appurtenances, as stated hereinabove, the Department of Transportation shall be responsible for contacting the Department's Rail Regulatory and Compliance Unit for inspection and approval of the railroad/highway at-grade crossing traffic control devices.

Dated at Newington, Connecticut this 15<sup>th</sup> day of April 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Administrative Law Unit  
Bureau of Finance and Administration